That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Perham Municipal Airport.

* * * * *

Issued in Des Plaines, Illinois on July 10, 1997.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 97–19692 Filed 7–24–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AGL–10]

Establishment of Class E Airspace; Harvey, ND, Harvey Municipal Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Harvey, ND. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway 11 and a GPS SIAP to Runway 29 has been developed for Harvey Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 UTC, November 6, 1997.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, May 13, 1997, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Harvey, ND (62 FR 26264). The proposal would add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Harvey, ND, to accommodate aircraft executing the GPS Runway 11 SIAP and the GPS Runway 29 SIAP at Harvey Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL ND E5 Harvey, ND [New]

Harvey Municipal Airport, ND
(lat. 47°47′28″N., long 99°55′54″W.)
Minot AFB, ND
(lat. 48°24′56″N., long. 101°21′28″W.)
Bismarck VOR/DME
(lat. 46°45′42″N., long. 100°39′55″W.)
Devils Lake VOR/DME
(lat. 48°06′47″N., long. 98°54′29″W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Harvey Municipal Airport, and that airspace extending upward from 1,200 feet above the surface bounded on the north by V430, on the west by the 47-mile radius of Minot Air Force Base, on the southwest by V15, on the south by the Bismarck VOR/DME 36-mile radius, on the southeast by V169, and on the east by the Devils Lake VOR/DME 22-mile radius, and that airspace extending upward from 1,200 feet above the surface bounded on the northwest by V169, on the south by latitude 47°30′00″N., and on the east by longitude 99°19′00″W, excluding all Federal airways.

* * * * *

Issued in Des Plaines, Illinois on July 10, 1997.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 97–19693 Filed 7–24–97; 8:45 am]

BILLING CODE 4910–13–M

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 430

RIN 0960–AE52

Personnel

AGENCY: Social Security Administration (SSA).

ACTION: Final rule.

SUMMARY: These final rules adopt regulations for SSA which contain the same policy as provided by current regulations of the U.S. Department of Health and Human Services (HHS) on indemnification of employees for judgments, verdicts or monetary awards. The Social Security Independence and Program Improvements Act (SSIPIA) of 1994 established the Social Security Administration as an independent agency in the executive branch of the United States Government effective March 31, 1995 and vested general regulatory authority in the

Commissioner of Social Security. These regulations establish a new part 430 in Title 20 of the Code of Federal Regulations.

EFFECTIVE DATE: These rules are effective July 25, 1997.

FOR FURTHER INFORMATION CONTACT: Suzanne DiMarino, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1769 for information about this rule. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION: Prior to March 31, 1995, SSA was an operating component of HHS and the general regulatory authority for SSA programs and administration was vested in the Secretary of Health and Human Services (the Secretary) based on section 1102 of the Social Security Act (the Act)(42 U.S.C. 1302). The SSIPIA established SSA as an independent agency in the Executive Branch of the Federal government effective March 31, 1995 and vested general regulatory authority in the Commissioner of Social Security (the Commissioner). Under Section 106(b) of SSIPIA, HHS regulations in effect immediately prior to March 31, 1995 which relate to functions now vested in the Commissioner by reason of SSA's independence, continue to apply to SSA until such time as they are modified, suspended, terminated or repealed by the Commissioner. SSA continues to administer the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI.

These final rules adopt the same policy set out in 45 CFR part 36 that was applicable to SSA when it was a component of HHS, and that has continued to remain applicable to SSA since its independence pursuant to section 106(b) of SSIPIA. The rules at 45 CFR part 36, entitled, Indemnification of HHS Employees, permit the indemnification of an employee for a verdict, judgment or other monetary award when the conduct giving rise to the verdict, judgment or award was taken within the scope of his or her employment.

All changes from the HHS regulation are technical in nature and pertain to names, addresses, legal citations and paragraph designations. References contained in the HHS regulation to ''HHS'', ''the Department'' or ''the Secretary'' have been changed to ''the Social Security Administration'' or ''the Commissioner'', as appropriate. The HHS regulation at 45 CFR part 36 will cease to have effect on SSA at the moment these rules become effective.

Electronic Version

The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9:00 A.M. on the date of publication in the **Federal Register**. To download the file, modem dial (202) 512–1387. The FBB instructions will explain how to download the file and the fee. This file is in WordPerfect.

Regulatory Procedures

Justification for Final Rules

This rule is being published as a final rule instead of as a proposed rule. Section 702(a)(5) of the Social Security Act (Act) makes the regulations we prescribe subject to the rulemaking procedures established under section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553. These procedures generally require publication of notice of the proposed rulemaking and the solicitation of comments from interested persons. However, the APA provides exceptions to notice and comment procedures when an agency finds that there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest.

After due consideration, we have determined that under 5 U.S.C. 553(b)(B), good cause exists for waiver of notice of proposed rulemaking because such procedure would be unnecessary. This final regulation adopts as an SSA regulation the provisions of 45 CFR part 36 without substantive change. Those provisions have remained applicable to the indemnification of SSA employees after the date SSA gained the status of an independent agency, pursuant to section 106(b) of Public Law 103–296. The differences in this regulation over that of 45 CFR part 36 are of form only and are necessary to adapt the former regulation to the operating structures of this agency. Accordingly, promulgation of this regulation pursuant to notice and comment rulemaking is unnecessary and may be dispensed with pursuant to 5 U.S.C. 553(b)(B).

Waiver of 30-Day Delay in Effective Date

This regulation is effective on publication, rather than effective 30 days after publication. As indicated above, section 702(a)(5) of the Act makes the regulations we prescribe subject to the rulemaking procedures established under section 553 of the APA.

Section 553(d) of the APA requires that the effective date of a substantive rule be no less than 30 days after its publication, except in cases of: Rules which grant or recognize an exemption or relieve a restriction; interpretative rules and statements of policy; or as otherwise provided by the agency for good cause found and published with the rule.

Under 5 U.S.C. 553(d)(3), good cause exists for dispensing with the minimum 30 day period between publication date and effective date. As indicated above, this regulation adopts without change the substantive provisions of 45 CFR part 36.

Pursuant to section 106(b) of Public Law 103–296, the provisions of part 36 remain applicable to SSA until such time as this regulation becomes effective. A 30-day delay in the effective date of this regulation would serve no purpose since during such delay, the identical provisions of part 36 would remain applicable. Accordingly, this regulation is effective on publication.

Executive Order 12866

SSA has consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, it was not subject to OMB review.

Regulatory Flexibility Act

SSA certifies that this final rule will not have a significant economic impact on a substantial number of small entities since it makes no changes in policy. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

This final rule imposes no additional reporting or recordkeeping requirements subject to OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 96.001 Social Security-Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.003 Social Security—Special Benefits for Persons Aged 72 and Over; 96.004 Social Security—Survivors Insurance; 96.005 Special Benefits for Disabled Coal Miners; 96.006 Supplemental Security Income; 96.007 Social Security—Research and Demonstration)

List of Subjects in 20 CFR Part 430

Claims, Government employees.

Dated: July 14, 1997.

John J. Callahan,

Acting Commissioner of Social Security.

For reasons set out in the preamble, Chapter III of Title 20 of the Code of Federal Regulations is amended by adding the following:

PART 430—PERSONNEL

Authority: Section 702(a)(5) of the Social Security Act (42 U.S.C. 902(a)(5))

Indemnification of SSA Employees

§ 430.101 Policy.

(a) The Social Security Administration (SSA) may indemnify, in whole or in part, its employees (which for the purpose of this regulation includes former employees) for any verdict, judgment or other monetary award which is rendered against any such employee, provided that the conduct giving rise to the verdict, judgment or award was taken within the scope of his or her employment with SSA and that such indemnification is in the interest of the United States, as determined by the Commissioner, or his or her designee, in his or her discretion.

(b) SSA may settle or compromise a personal damage claim against its employee by the payment of available funds, at any time, provided the alleged conduct giving rise to the personal damage claim was taken within the scope of employment and that such settlement or compromise is in the interest of the United States, as determined by the Commissioner, or his or her designee, in his or her discretion.

(c) Absent exceptional circumstances, as determined by the Commissioner or his or her designee, SSA will not entertain a request either to agree to indemnify or to settle a personal damage claim before entry of an adverse verdict, judgment or monetary award.

(d) When an employee of SSA becomes aware that an action has been filed against the employee in his or her individual capacity as a result of conduct taken within the scope of his or her employment, the employee should immediately notify SSA that such an action is pending.

(e) The employee may, thereafter, request either:

(1) Indemnification to satisfy a verdict, judgment or award entered against the employee; or

(2) Payment to satisfy the requirements of a settlement proposal. The employee shall submit a written request, with documentation including copies of the verdict, judgment, award or settlement proposal, as appropriate, to the Deputy Commissioner or other designated official, who shall thereupon submit to the General Counsel, in a timely manner, a recommended disposition of the request. The General Counsel shall also seek the views of the Department of Justice. The General Counsel shall forward the request, the Deputy Commissioner's or other designated official's recommended disposition, and the General Counsel's recommendation to the Commissioner or his or her designee for decision.

(f) Any payment under this section either to indemnify an SSA employee or to settle a personal damage claim shall be contingent upon the availability of appropriated funds.

[FR Doc. 97–19478 Filed 7–24–97; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 96F–0384]

Indirect Food Additives: Adhesives and Components of Coatings

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of epichlorohydrin-dipropylene glycol and epichlorohydrin-polypropylene glycol as reactants in the preparation of epoxy-based resins used as adhesives for articles or components of articles intended for use in food-contact applications. This action is in response to a petition filed by the Dow Chemical Co.

DATES: Effective July 25, 1997; written objections and requests for a hearing by August 25, 1997.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 22, 1996 (61 FR 54801), FDA announced that a food additive petition (FAP 6B4523) had been filed by the Dow Chemical Co., 2030 Dow Center, Midland, MI 48674. The petition proposed to amend the food additive regulations in § 175.105 *Adhesives* (21 CFR 175.105) to provide for the safe use of epichlorohydrin-dipropylene glycol and epichlorohydrin-polypropylene glycol as reactants in the preparation of epoxy-based resins used as adhesives for articles or components of articles intended for use in food-contact applications.

In FDA's evaluation of the safety of this additive, the agency reviewed the safety of the additive itself and the chemical impurities that may be present in the additive resulting from its manufacturing process. Although the additive itself has not been shown to cause cancer, it has been found to contain minute amounts of unreacted propylene oxide and epichlorohydrin, carcinogenic impurities resulting from the manufacture of the additive. Residual amounts of reactants and manufacturing aids, such as propylene oxide and epichlorohydrin, are commonly found as contaminants in chemical products, including food additives.

I. Determination of Safety

Under the so-called ''general safety clause'' of the Federal Food, Drug, and Cosmetic Act (the act) 21 U.S.C. 348(c)(3)(A), a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. FDA's food additive regulations (21 CFR 170.3(i)) define safe as ''a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use.''

The food additives anticancer, or Delaney clause of the act (21 U.S.C. 348(c)(3)(A)) provides that no food additive shall be deemed safe if it is found to induce cancer when ingested by man or animal. Importantly, however, the Delaney clause applies to the additive itself and not to the impurities in the additive. That is, where an additive itself has not been shown to cause cancer, but contains a carcinogenic impurity, the additive is properly evaluated under the general safety standard using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the intended use of the additive, *Scott* v. *FDA*, 728 F.2d 322 (6th Cir. 1984).

II. Safety of The Petitioned Use of The Additive

FDA estimates that the petitioned use of the additives, reaction products of epichlorohydrin-dipropylene glycol and epichlorohydrin-polypropylene glycol, will result in exposure to the additive of no greater than 7 parts per billion in the daily diet (Ref. 1).

FDA does not ordinarily consider chronic toxicological testing to be necessary to determine the safety of an additive whose use will result in such